

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF NEW YORK  
SYRACUSE DIVISION

**JENNIFER VITSAXAKI,**

*Plaintiff,*

v.

**SKANEATELES CENTRAL SCHOOL  
DISTRICT; SKANEATELES  
CENTRAL SCHOOLS' BOARD OF  
EDUCATION,**

*Defendants.*

Case No. 5:24-cv-00155-DNH-ML

Hon. David N. Hurd

**PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff Jennifer Vitsaxaki notifies this Court of supplemental authority—a recent order denying the motion to dismiss the amended complaint in *Mirabelli v. Olson*, No. 3:23-cv-0768-BEN (VET), 2025 WL 42507 (S.D. Cal. Jan. 7, 2025). The *Mirabelli* plaintiffs include parents who, like Mrs. Vitsaxaki, “allege that they asked questions about their child and schoolteachers and administrators intentionally deceived them and did not disclose the truth about their child’s gender incongruence.” *Id.* at \*3. Like Mrs. Vitsaxaki, those parents raised fundamental parental rights and free-exercise claims, which the *Mirabelli* court recently refused to dismiss. *Id.* at \*10–11. (See, e.g., Verified Compl. ¶¶ 89–124, ECF No. 1.) And like Skaneateles, the *Mirabelli* defendants argued “that parents ‘do not have a fundamental right to be informed of their students’ gender identity at school, and accommodating a student’s social transition at school is not medical care triggering any right to parental involvement.” 2025 WL 42507, at \*10. (See ECF No. 19-1 at 24-25 (arguing that parents do not need to be involved where a school district uses a masculine name and third-person plural pronouns for a student).) The court rejected that argument and said it “require[d] the suspension of disbelief.” 2025 WL 42507, at \*10.

Relying on many of the same cases cited by Mrs. Vitsaxaki, *Mirabelli* emphasized that the parents’ claims there implicated “some of America’s oldest foundational rights.” *Id.* (citing, among others, *Parham v. J.R.*, 442 U.S. 584, 602 (1979)). (See, e.g., ECF No. 23 at 17–19 (Mrs. Vitsaxaki’s discussion of *Parham*).) And it specifically recognized that gender incongruity was “a matter of health ... over which parents have the highest right and duty of care.” 2025 WL 42507, at \*10. So it concluded that parents “have a constitutional right to be accurately informed by public school teachers about their student’s gender incongruity” and denied the motion to dismiss the parents’ fundamental parental rights claim, among other claims. *Id.* at \*10–11.

Because Mrs. Vitsaxaki has pleaded plausible claims that the School District violated her fundamental rights—the same rights discussed in *Mirabelli*—this Court should deny Skaneateles’ motion to dismiss.

Dated: January 31, 2025

Respectfully submitted,

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*s/ David A. Cortman*

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### **CERTIFICATE OF SERVICE**

I certify that on January 31, 2025, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record for all parties.

*s/ David A. Cortman*

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